

April 15, 2003 CPC



**STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION**

03SN0221

Jeffrey D. and Julia Bowman

**Bermuda Magisterial District
South line of Old Hundred Road**

REQUEST: Rezoning from Residential (R-7) to Neighborhood Business (C-2).

PROPOSED LAND USE:

Conversion of an existing single family residence for photography studio use is planned. However, with approval of this request, redevelopment of the property and other commercial uses, as restricted by Proffered Condition 1, would be permitted.

RECOMMENDATION

Recommend approval for the following reasons:

- A. The requested zoning and land uses conform to the Chester Village Plan, which suggests the property is appropriate for neighborhood commercial uses.
- B. This request is representative of, and compatible with, existing and anticipated development along this portion of the Route 10 Corridor.
- C. Development requirements of the Zoning Ordinance further ensure compatibility with existing and anticipated area development.

(NOTES: A. THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS.

Providing a FIRST CHOICE Community Through Excellence in Public Service.

- B. IT SHOULD BE NOTED THAT THE REVISED PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THE REVISED PROFFERED CONDITIONS.)

PROFFERED CONDITIONS

1. Uses shall be limited to the following:
 - a) Bakery Goods Store
 - b) Barber or Beauty Shop
 - c) Book, Stationery, Newspaper or Magazine Store
 - d) Brokerage
 - e) Camera Store
 - f) Candy Store
 - g) Dry Cleaning, pick-up and drop-off; pressing; laundry and laundromat; not to include dry cleaning plants
 - h) Florist Shop
 - i) Nursery Schools and Child or Adult Day Care Centers and Kindergartens
 - j) Offices
 - k) Shoe Repair Shop
 - l) Tailor and Dressmaking Shops
 - m) Antique Shops, not to include pawnbrokers, indoor and outdoor flea markets and second hand consignment stores
 - n) Art Schools, Galleries or Museums
 - o) Artist Material and Supply Stores
 - p) Catering Establishments
 - q) Churches and/or Sunday Schools
 - r) Clothing Stores
 - s) Curio or Gift Shops
 - t) Eyewear Sales and Service
 - u) Hobby Stores
 - v) Jewelry Stores
 - w) Libraries
 - x) Locksmith Operations
 - y) Medical Facilities or Clinics
 - z) Musical Instrument Stores
 - aa) Office Supply Stores
 - bb) Photography Studios
 - cc) Restaurants, to include carry-out, but not fast food restaurants

- dd) Schools – music, dance and business
- ee) Sewing Machine sales, instruction and services
- ff) Sporting Goods sales
- gg) Toy Stores (P)

- 2. No direct vehicular access shall be provided from the property to Harrowgate Road or Old Hundred Road. (T)

GENERAL INFORMATION

Location:

South line of Old Hundred Road, east line of Harrowgate Road and west line of Percival Street. Tax IDs 789-654-1548 and 2755 (Sheet 26).

Existing Zoning:

R-7

Size:

1.3 acres

Existing Land Use:

Single-family residential or vacant

Adjacent Zoning and Land Use:

North and West - C-3; Commercial
South - R-7; Single family residential or church
East - A; Office

UTILITIES

Public Water System:

There is an existing eight (8) inch water line extending along the north side of West Hundred Road, adjacent to the request site. Use of the public water system is required by County Code. The existing structure is connected to the public water system.

Public Wastewater System:

There is an existing eight (8) inch wastewater collector line extending along West Hundred Road, adjacent to the request site. Use of the public wastewater system is required by County Code. The existing structure is connected to the public wastewater system.

ENVIRONMENTAL

Drainage and Erosion:

The area is relatively flat and drains north via storm sewers and tributaries to Ashton Creek. There are no existing or anticipated on- or off-site drainage or erosion problems.

PUBLIC FACILITIES

Fire Service:

The Chester Fire Station, Company Number 1, and Bensley-Bermuda Volunteer Rescue Squad currently provide fire protection and emergency medical service (EMS). This request will have minimal impact on fire and EMS service.

Transportation:

The property is currently zoned Residential (R-7). The applicant is requesting rezoning that will allow certain Neighborhood Business (C-2) uses to be developed on the property. This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on shopping center trip rates, development could generate approximately 1,900 vehicles per day. The applicant intends to develop a photography studio. Traffic generation information is not available for that land use. Vehicles generated by development of the property will be distributed, via Percival Street and Old Hundred Road, to Harrowgate Road, which had a 2003 traffic count of 12,850 vehicles per day.

Sections of Harrowgate Road have twenty (20) foot wide pavement with two (2) foot wide shoulders. Based on the current volume of traffic during peak hours, Harrowgate Road is at capacity (Level of Service E). The standard typical section for Harrowgate Road should be twenty-four (24) foot wide pavement, with minimum eight (8) foot wide shoulders. No road improvement projects in this area are included in the VDOT Six-Year Improvement Program.

The Thoroughfare Plan identifies Harrowgate Road as a major arterial with a recommended right of way width of 120 to 200 feet. Sixty (60) feet of right of way measured from the centerline of Harrowgate Road should be dedicated in accordance with that Plan. A large black oak tree is located on the property, approximately forty (40) feet from the centerline of Harrowgate Road. The applicant's representative has indicated an unwillingness to dedicate

any right of way along Harrowgate Road in order to provide some protection for that specific tree.

Access to major arterials, such as Harrowgate Road, should be controlled. In addition, because of the proximity of the Harrowgate Road/Old Hundred Road intersection to the Percival Road/Old Hundred Road intersection, direct access should not be provided from the property to Old Hundred Road. The applicant has proffered that no direct access will be provided from the property to Harrowgate Road or Old Hundred Road. (Proffered Condition 2)

At time of site plan review, specific recommendations will be provided regarding internal circulation.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Chester Village Plan which suggests the property is appropriate for neighborhood commercial uses.

Area Development Trends:

Properties to the north and west are zoned and developed for commercial uses. Area properties to the south are currently zoned for single family residential use and have been developed for such uses and for church use. Property to the east is zoned Agricultural (A) and is currently developed as an office building. The Chester Village Plan suggests continued commercial uses are appropriate along this portion of the Route 10 Corridor.

Development Standards:

Currently the request property lies within the Chester Village Core. The purpose of the Village District standards is to recognize unique villages within the county, and to maintain and reinforce the character, identity and pedestrian scale of the villages by continuing and enhancing existing patterns of development. Redevelopment of this site or new construction must conform to the requirements of the Zoning Ordinance, which address street lights, street tree plantings, access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

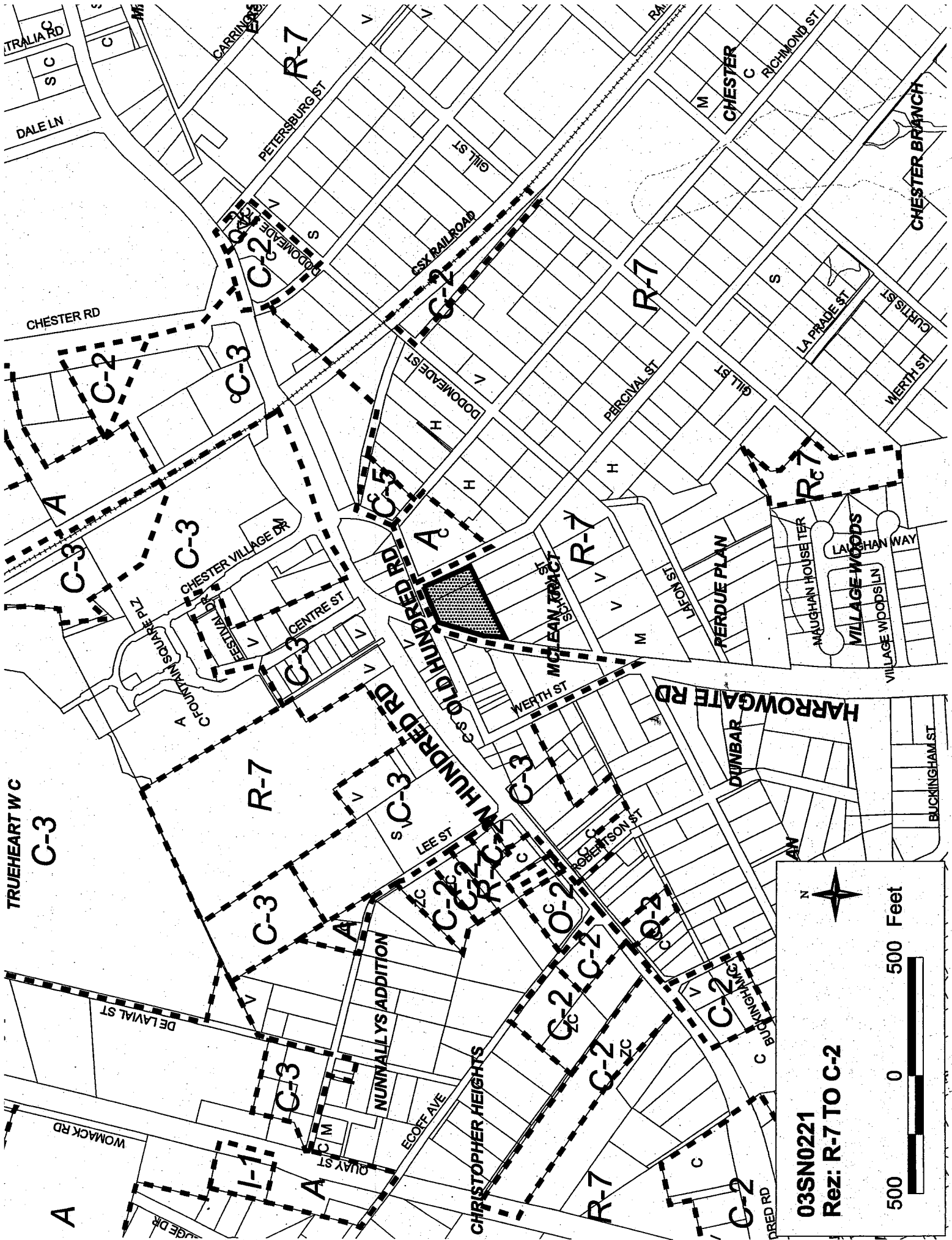
Uses:

While the uses permitted with C-2 zoning are appropriate for this site, per the Chester Village Plan, area property owners have expressed concerns about all C-2 uses being allowed. The applicant has agreed to limit uses in an attempt to address these concerns. (Proffered Condition 1)

CONCLUSIONS

This request lies within the boundaries of the Chester Village Plan which suggests the property is appropriate for neighborhood commercial uses. The request is also representative of, and compatible with, existing and anticipated development along this portion of the Route 10 Corridor. In addition, development requirements of the Zoning Ordinance further ensure compatibility with existing and anticipated area development.

Given these considerations, approval of this request is recommended.



03SN0221

Rez: R-7 TO C-2